

MINUTES OF REGULAR MEETING OF OCTOBER 27, 2004

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:05 p.m. on October 27, 2004 by Vice-Chairman Wayne Kauffman. Board members present were Wayne Kauffman, Vice-Chairman, and David Hart, Secretary/Treasurer. Chairman Calvin Gindlesperger was absent. Solicitor James Beener was present.

Pledge to the Flag.

FLOOR OPENED TO PUBLIC COMMENT:

Frank Besyk of Marisa Lane, Hollsopple asked if the Supervisors were aware of the letter that was hand delivered to his wife on October 7, 2004 from Ron McGee, Township Zoning Officer. This letter was a notice from the Township's Zoning Hearing Board. Mr. Besyk stated that the Zoning Hearing Board could hand deliver this notice, but could not deliver any information concerning their decision to him. Solicitor Beener informed Mr. Besyk that he had seen this letter. Mr. Besyk stated that the Supervisors should know about this letter if it is costing taxpayers. Solicitor Beener informed Mr. Besyk that the Zoning Hearing Board was independent by statute and the Supervisors did not control that Board. He further indicated that the Supervisors appoint the members to the Zoning Hearing Board, but then that Board was completely independent of the Supervisors. Mr. Besyk asked if the Supervisors controlled the police. Solicitor Beener noted that the police were something totally different. Mr. Besyk stated that he wanted the Supervisors to be aware that taxpayers' money was being used for one individual's personal vendetta. Mr. Besyk also wanted to bring to the Supervisors' attention that there was a broken water line above Eisenhower Boulevard. He was informed that this would be a matter for the Conemaugh Township Municipal Authority, not the Supervisors.

MINUTES:

There was a motion by Mr. Hart, seconded by Mr. Kauffman, to accept the minutes of the regular meeting of September 16, 2004. Roll call vote: Mr. Hart - yes, Mr. Kauffman - yes, Mr. Gindlesperger - absent. Motion carried, two yes, one absent.

BILLS:

There was a motion by Mr. Hart, seconded by Mr. Kauffman, to pay the bills for the month of October 2004 in the amount of \$69,358.21 for the General Fund, and \$30,358.32 for the Sewer Fund. Roll call vote: Mr. Hart - yes, Mr. Kauffman - yes, and Mr. Gindlesperger - absent. Motion carried, two yes, one absent.

POLICE REPORT:

The police reports as submitted by OIC Howard Jackson for the month of September 2004 for Conemaugh Township and Benson Borough were read. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to accept the police reports for the month of September 2004 for the Township and Benson Borough. Roll call vote: Mr. Hart - yes, Mr. Kauffman - yes, and Mr. Gindlesperger - absent. Motion carried, two yes, one absent.

PERSONS TO BE HEARD:

None.

CORRESPONDENCE:

None.

MINUTES OF OCTOBER 27, 2004 MEETING CONTINUED.

OLD BUSINESS:

None.

NEW BUSINESS:

1. **ORDINANCE NO. 657:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to adopt Ordinance No. 657 directing and requiring the connection of certain structures within 250 feet of certain portions of a municipal water system; prohibiting the use of private wells in such instances; providing for the method of connection; providing for the issuance of permits and payments of charges for same; and providing penalties for violation hereof. Roll call vote: Mr. Hart - yes, Mr. Kauffman - yes, Mr. Gindlesperger – absent. Motion carried, two yes, one absent.
2. **UPPER YODER TOWNSHIP SNOW REMOVAL AGREEMENT:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve a snow removal agreement for the winter season of 2004-2005 with Upper Yoder Township for removal of snow on Coon Ridge Road within Conemaugh Township for a cost of \$1,500.00. Roll call vote: Mr. Hart - yes, Mr. Kauffman - yes, and Mr. Gindlesperger – absent. Motion carried, two yes, one absent.
3. **NON-UNIFORM PENSION PLAN DEPOSIT:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to ratify the October 5, 2004 deposit of \$92,998.00 into the Non-Uniform Pension Plan, and \$812.00 into the Police Pension Plan, with Mass Mutual Retirement Services, which represents the minimum municipal obligation to the Plan for the year 2004 (\$81,517.94 from 2004 State Aid; \$12,292.06 from General Fund). Roll call vote: Mr. Hart - yes, Mr. Kauffman - yes, and Mr. Gindlesperger – absent. Motion carried, two yes, one absent.
4. **FOREIGN FIRE RELIEF FUND DISTRIBUTION:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to ratify the October 5, 2004 distribution of the 2004 Foreign Fire Relief Funds in the amount of \$36,196.27 as follows: Krings Volunteer Firemen Relief Association (C.T. Fire Co.) - \$9,049.07; Ideal Volunteer Fire Company Firemen's Relief Association - \$9,049.07; Jerome Volunteer Firemen's Relief Association - \$9,049.07; and Community Volunteer Fire Company of Hollsopple Relief Association - \$9,049.06. Roll call vote: Mr. Hart - yes, Mr. Kauffman - yes, and Mr. Gindlesperger – absent. Motion carried, two yes, one absent
5. **MINOR SUBDIVISION:** The Somerset County Planning Commission gave favorable comment for this Plan on September 29, 2004. The Conemaugh Township Planning Commission approved the Plan on October 11, 2004 and has recommended approval by the Board of Supervisors. Solicitor Beener stated that this Plan was okay for approval. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve the subdivision plan for the Krings Volunteer Fire Company, applicant, and Ronald S. & Helen L. Toth, property owners, to merge a parcel containing approximately 0.0182 acre with the adjacent Krings Fire Company property, which parcel is to be created so that the corner of the existing building will reside upon the fire company property; the residual parent parcel will contain approximately 113 acres. Roll call vote: Mr. Hart - yes, Mr. Kauffman - yes, and Mr. Gindlesperger – absent. Motion carried, two yes, one absent.

MINUTES OF OCTOBER 27, 2004 MEETING CONTINUED.

TIRE HILL SEWER PROJECT:

1. **RESOLUTION R08-04** – There was a motion by Mr. Hart, seconded by Mr. Kauffman, to adopt Resolution R08-04 authorizing David Hart, Secretary/Treasurer, to sign the Agreement with PennDOT regarding the Highway Restoration and Maintenance Bond in the amount of \$300,000.00 for the Tire Hill Sewer Project. (Solicitor Beener noted that David Hart would be signing this Agreement on behalf of the Township.) Roll call vote: Mr. Hart - yes, Mr. Kauffman - yes, and Mr. Gindlesperger – absent. Motion carried, two yes, one absent.
2. **RESOLUTION R09-04:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to adopt Resolution R09-04 declaring official intent to reimburse general funds used to construct improvements to the sewer system with funds received from the Pennsylvania Infrastructure Investment Authority. Roll call vote: Mr. Hart - yes, Mr. Kauffman - yes, and Mr. Gindlesperger - absent. Motion carried, two yes, one absent.
3. **NOTICE OF AWARD:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve the issuance of Notice of Award of contracts to the following for the Tire Hill Sewer Project: Galway Bay Corp., Church & Murdock Electric, Inc., Marc Services, Inc., Kircon-Breco Service LLC, and Kukurin Contracting, Inc., which Notice of Award is issued conditionally, subject to closing of the PennVEST loan Scheduled for December 7, 2004. (Solicitor Beener noted that the contractors cannot proceed until after the closing on the PennVEST loan.) Roll call vote: Mr. Hart - yes, Mr. Kauffman - yes, and Mr. Gindlesperger - absent. Motion carried, two yes, one absent.
4. **PROPOSAL FOR LINE OF CREDIT:** Solicitor Beener stated that this was an as-necessary line of credit for the Tire Hill Sanitary Sewer Project. He indicated that the PennVEST loan was payment with reimbursement. The line of credit would be used when reimbursement may not be in on time. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to accept proposal from the First Commonwealth Bank for construction line of credit in the amount of \$3,000,000.00 at an interest rate of 3.09% in accordance with proposal dated October 26, 2004, and to authorize obtaining Local Unit Government Debt Act approval for such line of credit and further to authorize the Chairman and Secretary/Treasurer to close the loan as soon as the necessary documents are completed, subject to Solicitor’s approval. The line of credit will be used as necessary during the Tire Hill sanitary sewer construction project and will be secured by the approved PennVEST loan. (Solicitor Beener noted that there was a \$500.00 origination fee included.) Roll call vote: Mr. Hart - yes, Mr. Kauffman - yes, and Mr. Gindlesperger - absent. Motion carried, two yes, one absent.
5. **REALIGNMENTS OF PROPERTIES:** Solicitor Beener stated that the Township had a list of individuals requesting realignment in regards to the Tire Hill Sanitary Sewer Project. He asked Mr. Ben Faas of EADS if he had any additional names to add to the list at this time. Mr. Faas read off the following names to be added to that list: Gino Marisa, Carl Massimo, Robert L. Thomas Trust, George Miller, Albert Primavera, and Boyd Wingard. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to authorize EADS to do the work necessary for realignment involving certain properties or areas for the Tire Hill Sewer Project. Roll call vote: Mr. Hart - yes, Mr. Kauffman - yes, and Mr. Gindlesperger - absent. Motion carried, two yes, one absent.
6. **AMENDMENT TO SEWER DEPARTMENT MONTHLY CHARGE SCHEDULE:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to amend the Conemaugh

MINUTES OF OCTOBER 27, 2004 MEETING CONTINUED.

Township Sewer Department monthly sewer charge schedule, adopted May 19, 2004, by deleting reference to the "Township Engineer". Roll call vote: Mr. Hart - yes, Mr. Kauffman - yes, and Mr. Gindlesperger - absent. Motion carried, two yes, one absent.

ITEMS FOR DISCUSSION:

1. A written report was given to the Supervisors on the Conemaugh Township Branch of the Somerset County Library. Solicitor Beener stated that this report was to provide information on that facility such as the hours of operation, etc.
2. Mr. Hart reported that there had been a request from Mr. Mardis and Mr. Litterine for reduced speed on Route 403 from the Cambria County line south to Greenhouse Park. He stated that PennDOT completed a traffic study in that area and had given approval for the Township to install 35-mile per hour speed limit signs.
3. Mr. Hart reported that PennDOT had also given the Township permission to post "No Parking" signs along Route 601, (a State road), in front of the Turner Truss Company in Jerome. The Township had received complaints about a trailer parked there that was obstructing the view of vehicular traffic.

ANNOUNCEMENTS:

1. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, November 17, 2004 at 7:00 p.m.

ADJOURNMENT:

There was a motion by Mr. Hart, seconded by Kauffman, to adjourn the meeting at 7:34 p.m.

Submitted by,

David A. Hart, Secretary/Treasurer